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Washington, Thursday, August 6, 1953

TITLE 3—THE PRESIDENT PROCLAMATION 3027

FIRE PREVENTION WEEK, 1953

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS during the past year fire has taken the lives of some 10,000 of our people and has permanently maimed countless others; and

WHEREAS the destruction of property by fire has risen to the highest peak in many years, resulting in a monetary loss of nearly a billion dollars; and

WHEREAS the conservation of lives, property, and natural resources is a matter of the utmost importance to our Nation; and

WHEREAS it has been abundantly demonstrated that fire losses can be substantially reduced wherever people are awakened to the danger:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 4, 1953, as Fire Prevention Week.

I earnestly request all our citizens, during that week, to initiate a year-round campaign in their homes and in their communities against the needless waste of life and property caused by destructive fires. I urge that State and local governments, the American National Red Cross, the National Fire Waste Council, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and agencies of public information—including newspapers, magazines, and the radio, television, and motion picture industries—cooperate fully in the observance of Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this crusade against the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of July in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-6924; Filed, Aug. 4, 1953; 3:14 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin - 1, Supp. 1, Amdt. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT; FARM-STORAGE LOANS

The regulations issued by Commodity Credit Corporation, and the Production and Marketing Administration (18 F. R. 1963) and containing the specific requirements for the 1953-crop barley price support program are hereby amended as follows:

Section 601.35 (a) (2) is amended by deleting the period at the end thereof, inserting a colon and adding: "Provided, however That if such barley is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price."

(Continued on p. 4619)

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 14: Parts 1-399 (Revised Book) (\$6.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 6 (\$1.50); Title 7: Parts 1-209 (\$1.75), Parts 210-399 (\$2.25), Part 900-end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 14: Part 400-end (Revised Book) (\$3.75); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80-169 (\$0.40), Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Title 26: Part 300-end, Title 27 (\$0.60); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 32: Parts 1-699 (\$0.75), Part 700-end (\$0.75); Title 33 (\$0.70); Titles 35-37 (\$0.55); Title 38 (\$1.50); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 43 (\$1.50); Titles 44-45 (\$0.60); Title 46: Parts 1-145 (Revised Book) (\$5.00), Part 146-end (\$2.00); Titles 47-48 (\$2.00); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40), Part 165-end (\$0.55); Title 50 (\$0.45)

Order from
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(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b)

Issued this 31st day of July 1953.

[SEAL] HOWARD H. GORDON,
*Executive Vice President,
Commodity Credit Corporation.*

Approved:

HOWARD H. GORDON,
*Acting President,
Commodity Credit Corporation.*

[F. R. Doc. 53-6884; Filed, Aug. 5, 1953;
8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

**Chapter II—Foreign Operations
Administration**

**PART 201—PROCEDURE FOR FURNISHING AS-
SISTANCE TO PARTICIPATING COUNTRIES**

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 53-6805, appearing on page 4517 of the issue for Saturday, August 1, 1953, the following changes should be made in § 201.25:

1. The headnote should read: "*Continuance in effect of certain ECA and MSA issuances.*"

2. The word "section" appearing in the second sentence of paragraph (a) and in paragraph (b) should read "part"

**TITLE 43—PUBLIC LANDS:
INTERIOR**

**Chapter I—Bureau of Land Manage-
ment, Department of the Interior**

Appendix—Public Land Orders

[Public Land Order 907]

OREGON

**REVOKING EXECUTIVE ORDER NO. 8575 OF
OCTOBER 22, 1940**

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Executive Order No. 8575 of October 22, 1940, reserving all lands of the United States within certain areas comprising 1,495.21 acres, more or less, in Baker and Union Counties, Oregon, for the use of the Department of the Interior as the Thief Valley National Wildlife Refuge is hereby revoked.

The lands affected by this revocation are withdrawn or were acquired for reclamation purposes in connection with

the Baker Reclamation Project, with the exception of a tract described as follows:

WILLAMETTE MERIDIAN

T. 6 S., R. 40 E.,
Sec. 26, lot 1.

The area described contains 40.87 acres.

The said lot 1 was restored from the above-mentioned project, subject to existing withdrawals, by order of September 11, 1951. It is chiefly valuable for range management purposes. It is unlikely that it will be classified for any other disposition, but any application that is filed will be considered on its merits.

This order shall not become effective to change the status of said lot 1 until 10:00 a. m. on the 35th day after the date of this order. At that time the said tract shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

Information showing the periods during which, and the conditions under which veterans and others may file applications for said lot 1 may be obtained upon request from the Manager of the Land and Survey Office, Portland, Oregon.

ORRLE LEWIS,

Assistant Secretary of the Interior

[F. R. Doc. 53-6849; Filed, Aug. 5, 1953;
8:45 a. m.]

TITLE 49—TRANSPORTATION

**Chapter I—Interstate Commerce
Commission**

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-43]

**PART 207—LEASE AND INTERCHANGE OF
VEHICLES**

AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 31st day of July A. D. 1953.

Upon further consideration of the record in the above-entitled proceeding, it appears that there is good cause to modify § 207.4 (a) (3) (ii) of the rules and regulations prescribed in this proceeding by order dated May 8, 1951, as subsequently modified:

It is ordered, That § 207.4 (a) (3) (ii) of the said rules and regulations be, and it is hereby, amended to read as follows:

(ii) That a carrier may lease for any period a motor vehicle owned by a producer or grower of agricultural commodities or of livestock where such producer or grower uses the vehicle in transporting his agricultural commodities or livestock to market, or a vehicle owned by a cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined, where such cooperative association uses the vehicle in transporting agricultural commodities or livestock of its members to market, and the motor carrier desires to use the vehicle for transportation authorized by its certificate on the return of the vehicle to a point in the State from which the agricultural products or livestock were transported, provided the motor carrier receives at the time of the lease a statement signed by such producer or grower or an official of such cooperative association, giving the origin and destination of the shipment of agricultural commodities or livestock and authorizing the driver to lease the vehicle for the return trip.

It is ordered, That this order shall become effective on September 1, 1953.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6872; Filed, Aug. 5, 1953;
8:49 a. m.]

TITLE 50—WILDLIFE

**Chapter I—Fish and Wildlife Service,
Department of the Interior**

**Subchapter C—Management of Wildlife
Conservation Areas**

PART 17—LIST OF AREAS

PART 31—PACIFIC REGION

**SUBPART—THIEF VALLEY NATIONAL
WILDLIFE REFUGE, OREGON**

CROSS REFERENCE: For revocation of Executive Order 8575 of October 22, 1940, which reserved lands for Thief Valley National Wildlife Refuge, Oregon, see Public Land Order 907, Title 43, Chapter I, Appendix, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 7]

WITHHOLDING REGULATIONS WITH RESPECT TO UNITED STATES-CANADA INCOME TAX CONVENTION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467-26 U. S. C. 62, 3791) and Article XVIII of the income tax convention and protocol between the United States and Canada proclaimed by the President of the United States on June 17, 1942.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

PART 7—TAXATION PURSUANT TO TREATIES SUBPART—CANADA

Release or refund of excess tax withheld, and exemption from, or reduction in rate of, withholding under sections 143 and 144 of the Internal Revenue Code in the case of residents of Canada and of corporations organized under the laws of Canada, as affected by the income tax convention and protocol between the United States and Canada proclaimed by the President of the United States of America on June 17, 1942, and amended by the supplementary convention between such Governments proclaimed by the President on November 29, 1951.

Sec.	
7.45	Introductory.
7.46	Dividends.
7.47	Interest.
7.48	Copyright royalties.
7.49	Natural resource royalties, real property rentals, salaries, wages, emoluments, etc.
7.50	Pensions and life annuities.
7.51	Exempt organizations.
7.52	Release of excess tax withheld at source.
7.53	Addressee not actual owner.
7.54	Return of tax withheld and information to be furnished in ordinary course.
7.55	Beneficiaries of a domestic estate or trust.
7.56	Refund of excess tax withheld during 1951 and 1952.
7.57	Prior regulations.

§ 7.45 *Introductory.* (a) The income tax convention and protocol between the United States and Canada, signed March 4, 1942, and proclaimed by the President of the United States on June 17, 1942, as modified and supplemented by the supplementary convention between such Governments, signed June 12, 1950, and proclaimed by the President on November 29, 1951, referred to in this subpart as the convention, provides in part as follows, effective for taxable years beginning on or after January 1, 1951.

ARTICLE VI A

Pensions (including Government pensions) and life annuities derived from within one of the contracting States by a resident of the other contracting State shall be exempt from taxation in the former State.

ARTICLE X

Income derived from sources within one of the contracting States by a religious, scientific, literary, educational, or charitable organization of the other contracting State shall be exempt from taxation in the State from which the income is derived if, within the meaning of the laws of both contracting States, such organization would have been exempt from income tax.

ARTICLE XI

1. The rate of income tax imposed by one of the contracting States, in respect of income derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not having a permanent establishment in the former State, shall not exceed 15 percent for each taxable year.

2. Notwithstanding the provisions of paragraph 1 of this Article, income tax in excess of 5 percent shall not be imposed by one of the contracting States in respect of dividends paid by a subsidiary corporation organized under the laws of such State, or of a political subdivision thereof, to a parent corporation organized under the laws of the other contracting State, or of a political subdivision thereof: Provided, however, That this paragraph shall not apply if the competent authority in the former State is satisfied that the corporate relationship between the two corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph.

3. Notwithstanding the provisions of Article XXII of this Convention, paragraph 1 or paragraph 2, or both, of this Article, may be terminated without notice on or after the termination of the three-year period beginning with the effective date of this Convention by either of the contracting States imposing a rate of income tax in excess of the rate of 15 percent prescribed in paragraph 1 or in excess of the rate of 5 percent prescribed in paragraph 2.

ARTICLE XII

1. Dividends and interest paid by a corporation organized under the laws of Canada to a recipient, other than a citizen or resident of the United States of America or a corporation organized under the laws of the United States of America, shall be exempt from all income taxes imposed by the United States of America.

2. Dividends and interest paid by a corporation organized under the laws of the United States of America whose business is not managed and controlled in Canada to a recipient, other than a resident of Canada or a corporation whose business is managed and controlled in Canada, shall be exempt from all taxes imposed by Canada.

ARTICLE XIII A

1. A resident or corporation organized under the laws of Canada deriving from sources within the United States of America rentals from real property may elect for any taxable year to be subject to the tax imposed by the United States of America on a net basis as if such resident or corporation were engaged in trade or business within the United States of America through a permanent establishment therein during such taxable year.

2. Rentals from real property derived from sources within Canada by an individual or corporation resident in the United States of America shall receive tax treatment by Canada not less favorable than that accorded under Section 99, The Income Tax Act, as in effect on the date on which this Article goes into effect.

ARTICLE XIII C

Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work (but not inclusive of rents or royalties in respect of motion picture films) derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not engaged in trade or business in the former State through a permanent establishment shall be exempt from tax imposed by such former State.

ARTICLE XVII

The competent authorities of the two contracting States may prescribe regulations to carry into effect the present Convention within the respective States and rules with respect to the exchange of information.

The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

ARTICLE XIX

With a view to the prevention of fiscal evasion, each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting States in the assessment of the taxes to which this Convention relates.

The information to be furnished under the first paragraph of this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE XX

1. The competent authorities of the United States of America shall forward to the competent authorities of Canada as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all persons whose addresses are within Canada and who derive from sources within the United States of America dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.

ARTICLE XXI

1. If the Minister in the determination of the income tax liability of any person under any of the revenue laws of Canada deems it necessary to secure the cooperation of the Commissioner, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

ARTICLE XXII

This Convention and the accompanying Protocol which shall be considered to be an integral part of the Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

This Convention and Protocol shall become effective on the first day of January 1941. They shall continue effective for a period of three years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the three-year period or at any time thereafter provided that, except as otherwise specified in the case of Article XI, at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

PROTOCOL

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income taxes, this day concluded between the United States of America and Canada, the undersigned plenipotentiaries have agreed upon the following provisions and definitions:

1. The taxes referred to in this Convention are:
 - (a) for the United States of America: the Federal income taxes, including surtaxes, and excess-profits taxes.
 - (b) for Canada: the Dominion income taxes, including surtaxes, and excess-profits taxes.
2. In the event of appreciable changes in the fiscal laws of either of the contracting States, the Governments of the two contracting States will consult together.
3. As used in this Convention:
 - (a) The terms "person," "individual" and "corporation", shall have the same meanings, respectively, as they have under the revenue laws of the taxing State or the State furnishing the information, as the case may be;
 - (b) The term "enterprise" includes every form of undertaking, whether carried on by an individual, partnership, corporation or any other entity;
 - (c) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Canadian enterprise";
 - (d) The term "United States enterprise" means an enterprise carried on in the United States of America by an individual resident in the United States of America, or by a corporation, partnership or other entity created or organized in or under the laws of the United States of America, or of any

of the States or Territories of the United States of America;

(e) The term "Canadian enterprise" is defined in the same manner *mutatis mutandis* as the term "United States enterprise";

(f) The term "permanent establishment" includes branches, mines and oil wells, farms, timber lands, plantations, factories, workshops, warehouses, offices, agencies and other fixed places of business of an enterprise, but does not include a subsidiary corporation. The use of substantial equipment or machinery within one of the contracting States at any time in any taxable year by an enterprise of the other contracting State shall constitute a permanent establishment of such enterprise in the former State for such taxable year.

When an enterprise of one of the contracting States carries on business in the other contracting State through an employee or agent established there, who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, such enterprise shall be deemed to have a permanent establishment in the latter State.

The fact that an enterprise of one of the contracting States has business dealings in the other contracting State through a commission agent, broker or other independent agent or maintains therein an office used solely for the purchase of merchandise shall not be held to mean that such enterprise has a permanent establishment in the latter State.

4. The term "Minister" as used in this Convention, means the Minister of National Revenue of Canada or his duly authorized representative. The term "Commissioner" as used in this Convention, means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative. The term "competent authority" as used in this Convention, means the Commissioner and the Minister and their duly authorized representatives.

5. The term "United States of America" when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia. The term "Canada" when used in a geographical sense means the Provinces, the Territories and Sable Island.

6. The term "subsidiary corporation" as used in Article XI of this Convention means a corporation 95 percent of whose shares (other than Directors' qualifying shares) having full voting rights are beneficially owned by another corporation, provided that (except in the case of a corporation the chief business of which is the making of loans) ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

7. (a) The term "rentals and royalties" referred to in Article II of this Convention shall include rentals or royalties arising from leasing real or immovable, or personal or movable property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, goodwill, trade marks, trade brands, franchises and other like property;

(b) The term "interest" as used in this Convention, shall include income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits and current accounts;

(c) The term "dividends", as used in this Convention, shall include all distributions of the earnings or profits of corporations.

8. The term "pensions" referred to in Article VI A of this Convention means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

9. The term "life annuities" referred to in Article VI A of this Convention means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

10. The term "permanent establishment" as used in Article XI of this Convention, shall not be deemed to include an office used solely for the purchase of merchandise.

11. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

12. The citizens of one of the contracting States residing within the other contracting State shall not be subjected to the payment of more burdensome taxes than the citizens of such other State.

(b) As used in this subpart, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall have the meaning which such term has under the Internal Revenue Code.

§ 746 Dividends—(a) General. (1) The rate of United States income tax upon dividends derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount thereof for each taxable year under the provisions of Article XI of the convention if such alien or corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs (3) (f) and (10) of the protocol.

(2) Thus, if a nonresident alien individual who is a resident of Canada performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article XI of the convention, even though under the provisions of section 211 (b) of the Internal Revenue Code he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(3) For provisions pertaining to dividends derived from sources within the United States by exempt organizations, see § 751.

(b) Dividends paid by related corporation. (1) Under the provisions of Article XI (2) of the convention, dividends derived from sources within the United States and paid by a corporation organized under the laws of the United States, or of a political subdivision thereof, to a parent corporation organized under the laws of Canada, or of a political subdivision thereof, which beneficially owns at the time the dividend is paid 95 percent or more of the shares (other

than Directors' qualifying shares) of the paying corporation which have full voting rights are, when received in taxable years beginning on or after January 1, 1951, subject to United States income tax at a rate not in excess of 5 percent if (i) ordinarily not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any) (ii) the Commissioner of Internal Revenue is satisfied that the relationship between the paying corporation and the parent corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent, and (iii) the parent corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States. The condition set forth under subdivision (i) of this subparagraph (relating to the character of the income) shall not apply, however, in the case of a paying corporation the chief business of which is the making of loans.

(2) Any domestic corporation which claims or contemplates claiming that dividends paid or to be paid by it are subject to a rate not in excess of 5 percent shall file the following information with the Commissioner of Internal Revenue as soon as practicable: (i) The date and place of its organization; (ii) the number of outstanding shares of stock of the domestic corporation having voting power and the voting power thereof; (iii) the person or persons beneficially owning such stock of the domestic corporation and their relationship to the parent corporation; (iv) the amount of the gross income by years of the domestic corporation for the three-year period immediately preceding the taxable year in which the dividend is paid; (v) the amount of interest and dividends by years included in the gross income of the domestic corporation, and the amount of interest and dividends by years received by such corporation from its own subsidiary corporations, if any; and (vi) the relationship between the domestic corporation and the parent corporation deriving the dividend from sources within the United States.

(3) As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned fall within the scope of the provisions of Article XI (2) of the convention and may authorize the release or refund of excess tax withheld with respect to dividends which come within such provisions. For additional requirements respecting the refund of excess tax withheld during 1951 and 1952, see § 7.56.

(4) In any case in which the Commissioner has notified the domestic corporation that the dividends fall within the scope of the provisions of Article XI (2) of the convention, the reduced withholding rate of 5 percent, to the extent withholding of United States income tax is required, shall

apply to any dividends subsequently paid by such corporation to the parent corporation, unless the stock ownership of the domestic corporation, or the character of its income, materially changes; or unless the Commissioner determines that the relationship between the two corporations concerned is being maintained primarily with the intention of securing the reduced rate of tax. In such instance, if such change in stock ownership or character of income occurs, the domestic corporation shall promptly notify the Commissioner of the then existing facts with respect thereto. The continued application of the rate not in excess of 5 percent is also dependent upon the continued fulfillment of subparagraph (1) (iii) of this paragraph.

(c) *Effect of address in Canada on withholding in the case of dividends.* For the purpose of withholding of United States income tax in the case of dividends every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in Canada shall be deemed by United States withholding agents to be a nonresident alien who is a resident of Canada not having a permanent establishment in the United States; and every foreign corporation whose address is in Canada shall be deemed by such withholding agents to be a corporation organized under the laws of Canada and not having a permanent establishment in the United States.

(d) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1953, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in Canada, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, (i) the Commissioner of Internal Revenue has notified (a) the domestic corporation (pursuant to paragraph (b) of this section) that such dividends fall within the scope of the provisions of Article XI (2) of the convention or (b) the withholding agent that the reduced rate of withholding shall not apply, or (ii) the withholding agent has received the letter of notification prescribed in § 7.51 (b).

(2) The preceding provisions of this subpart respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in Canada are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to the United States income tax upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 7.53.

(3) The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this subpart is published in the FEDERAL REGISTER to any person whose address is in Canada at the time the

dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

(4) In the case of dividends paid on or after January 1, 1951, by a corporation organized under the laws of Canada no withholding of United States income tax is required. See Article XII (1) of the convention.

(e) *Definition of dividend.* Under paragraph 7 (c) of the protocol, the term "dividends" as used in the convention, includes all distributions of the earnings or profits of corporations.

§ 7.47 *Interest—(a) General.* (1) The rate of United States income tax upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount thereof for each taxable year under the provisions of Article XI of the convention if such alien or corporation at no time during the taxable year in which such interest is derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs 3 (f) and 10 of the protocol.

(2) For provisions pertaining to interest derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States income tax at source in the case of coupon bond interest, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall for each issue of bonds file Form 1001-C in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement that the owner (i) is a resident of Canada, or is a corporation organized under the laws of Canada, and (ii) has no permanent establishment in the United States.

(2) The reduction in the rate of United States income tax contemplated by Article XI of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon or on whose behalf

half it is presented is not the owner of the bond, Form 1001, and not Form 1001-C, shall be executed.

(3) The original and duplicate of Form 1001-C shall be forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C., with the quarterly return on Form 1012, as provided in § 29.143-7 of this chapter (Regulations 111) with respect to Form 1001. Form 1001-C shall be listed on Form 1012.

(4) For general provisions pertaining to the use, without reference to the provisions of the convention, of ownership certificate, Form 1001, by nonresident aliens and nonresident foreign corporations, see §§ 29.143-4 and 29.143-6 of this chapter.

(5) To secure the reduced rate of United States income tax at source in the case of interest, other than coupon bond interest, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall file Form 1001A-C in duplicate with the withholding agent in the United States. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement that the owner (i) is a resident of Canada, or is a corporation organized under the laws of Canada, and (ii) has no permanent establishment in the United States.

(6) Form 1001A-C shall be filed with the withholding agent for each successive three-calendar-year period during which such interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1953. Each such form filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once such a form has been filed in respect of any three-calendar-year period, no additional Form 1001A-C need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that another such form shall be filed by the taxpayer. If, after filing such form, the taxpayer ceases to be eligible for the benefit of Article XI of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the reduction in rate of withholding of United States income tax shall no longer apply unless a Form 1001A-C is duly executed and filed with the withholding agent by the new owner of record of such interest.

(7) The duplicate of each Form 1001A-C (and letter) shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

(8) In the case of interest paid on or after January 1, 1951, by a corporation organized under the laws of Canada no

withholding of United States income tax is required. See Article XII (1) of the convention.

(c) *Definition of interest.* Under paragraph 7 (b) of the protocol, the term "interest" as used in the convention, includes income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits, and current accounts.

§ 7.48 *Copyright royalties—(a) General.* (1) Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work which are derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a Canadian corporation or other entity, are exempt from United States tax under the provisions of Article XIII C of the convention if such alien, corporation, or other entity at no time during the taxable year in which such royalties are derived is engaged in trade or business within the United States through a permanent establishment situated therein. Such royalties are, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see paragraph 3 (f) of the protocol.

(2) The provisions of this section shall have no application to rents or royalties in respect of motion picture films. For provisions pertaining to royalties derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at the source in the case of the royalties to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Canada, or the Canadian corporation or other entity, shall file Form 1001A-C in duplicate with the withholding agent in the United States. The provisions of § 7.47 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(2) The duplicate of each Form 1001A-C (and letter) shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

§ 7.49 *Natural resource royalties, real property rentals, salaries, wages, emoluments, etc.—(a) General.* (1) Under Article XI of the convention the rate of United States income tax imposed upon natural resource royalties, real property rentals, salaries, wages, emoluments, premiums, compensations, remunerations, and other gains, profits, and income (other than gains, profits, and income otherwise exempt from United States income tax under the convention) which are derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fidu-

clary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount of such items for each taxable year if such alien or corporation at no time during the taxable year in which such items are derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs 3 (f) and 10 of the protocol.

(2) For the application of the reduced rate of United States income tax at source with respect to dividends and interest, see §§ 7.46 and 7.47, respectively. For the application of the exemption from United States tax at source with respect to copyright royalties, pensions, and life annuities, see §§ 7.48 and 7.50, respectively. For provisions pertaining to income derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States income tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall file Form 1001A-C in duplicate with the withholding agent in the United States. The provisions of § 7.47 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(2) The provisions of this paragraph shall have no application in the case of wages paid to nonresident aliens who are residents of Canada and who enter and leave the United States at frequent intervals. See § 405.102 (g) of this chapter (Regulations 116). The provisions of § 29.143-3 of this chapter (Regulations 111) relating to the allowance of the exemptions under section 25 (b) on a prorated basis, when determining the tax to be withheld at source with respect to remuneration for labor or personal services performed within the United States by a nonresident alien, shall have no application when a Form 1001A-C has been filed with the withholding agent pursuant to this paragraph with respect to such remuneration.

(3) The duplicate of each Form 1001A-C (and letter) shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

§ 7.50 *Pensions and life annuities—(a) General.* Private and government pensions, and life annuities, derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien individual who is a resident of Canada are exempt from United States tax under the provisions of Article VI A of the convention. Such items of income are, therefore, not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding

of United States tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien individual who is a resident of Canada shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VI A of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Canada.

(2) If such letter is also to be used as authorization for the release, pursuant to § 7.52 (a) of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was received from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Canada.

(3) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax provided by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such income.

(4) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

(c) *Definition of pensions and life annuities.* (1) Under paragraph 8 of the protocol, the term "pensions" as used in Article VI A of the convention, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(5) Under paragraph 9 of the protocol, the term "life annuities" as used in Article VI A of the convention, means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

§ 7.51 *Exempt organizations—(a) General.* (1) Income derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a religious, scientific, literary, educational, or char-

itable organization of Canada is exempt from United States tax under the provisions of Article X of the convention if, within the meaning of the laws of both the United States and Canada, such organization would have been exempt from income tax.

(2) Paragraph 11 of the protocol provides that the provisions of the convention shall not be construed to restrict in any manner any exemption, deduction, credit, or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State. In view of the provisions of such paragraph, the provisions of section 101 of the Internal Revenue Code, relating to exemptions from tax on corporations, apply to every Canadian organization coming within the scope of that section and otherwise qualifying for the exemption granted by Article X of the convention, regardless of whether Canada recognizes such organization as exempt from income taxes imposed by its own laws.

(3) In view of the provisions of subparagraphs (1) and (2) of this paragraph, fixed or determinable annual or periodical income derived from sources within the United States by a nonresident Canadian organization which qualifies for the exemption granted by Article X of the convention is not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at the source in the case of fixed or determinable annual or periodical income derived from sources within the United States, other than coupon bond interest, the nonresident Canadian organization which qualifies for the exemption from United States tax shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article X of the convention. The letter of notification shall be signed by the owner of the income, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the income. It shall contain a copy of the determination of the Commissioner of Internal Revenue that such organization is exempt from taxation under Chapter 1, relating to the income tax, of the Internal Revenue Code and a statement that the owner of the income (i) is a Canadian organization and (ii) has at no time during the current taxable year been engaged in trade or business within the United States. This letter shall constitute authorization for the payment of such income to such organization without withholding of United States tax at source.

(2) The provisions of § 7.47 (b) relating to the filing and effective period of Form 1001A-C prescribed in § 7.47 (b) with respect to interest are equally applicable with respect to the letter of notification prescribed in this section.

(3) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

(4) To avoid withholding of United States tax at source in the case of coupon bond interest, the nonresident Canadian organization which qualifies for the exemption from United States tax granted by Article X of the convention shall inscribe on each copy of the Form 1001-C required by § 7.47 (b) a notation substantially as follows: "As this organization, which is not engaged in trade or business within the United States, has been held to be exempt from taxation under Chapter 1 of the Internal Revenue Code by the Commissioner of Internal Revenue under date of _____, 19____, the interest on this certificate is not subject to withholding of United States tax." The organization shall give therewith the date of the official letter in which the organization was held to be so exempt.

(5) Form 1001-C, when so used to substantiate an exemption from withholding of United States tax, need not be listed on Form 1012 when forwarded to the Commissioner pursuant to § 7.47 (b)

(6) To the extent not inconsistent with this section, the provisions of § 7.47 (b) relating to Form 1001 and Form 1001-C are equally applicable under this paragraph.

§ 7.52 *Release of excess tax withheld at source—(a) General.* (1) In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by this Treasury decision are hereby made effective beginning January 1, 1953, contingent upon compliance with the applicable provisions of §§ 7.46 through 7.51.

(2) In the case of dividends derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Canada, if United States income tax at the statutory rate (30 percent as of the date of approval of this Treasury decision) has been withheld from such dividends on or after January 1, 1953, there shall be released (except as provided in paragraphs (b) and (c) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the amount obtained by subtracting 15 percent of such dividends from the tax so withheld.

(3) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent Form 1001A-C in accordance with §§ 7.47 (b), 7.48 (b) and 7.49 (b) if United States income tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1953, from the items of income in respect of which such form is prescribed in such sections, there shall be released by the withholding agent and paid over to the person from whom it was withheld:

(i) In the case of copyright royalties and the like, an amount equal to the tax so withheld from such items; and

(ii) In the case of other items of income (other than dividends, pensions, life annuities, and coupon bond interest) an amount which is equal to the amount obtained by subtracting 15 percent of such items in the aggregate from the tax so withheld from such items.

(4) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent Form 1001-C clearly marked "Substitute" and executed in accordance with § 7.47 (b), if United States income tax at the statutory rate (28 percent or 30 percent, as the case may be, as of the date of approval of this subpart) has been withheld from coupon bond interest on or after January 1, 1953, there shall be released (except as provided in paragraph (b) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the difference between the amount of such interest multiplied by the higher of such statutory rates (30 percent as of the date of approval of this subpart) and 15 percent of such interest. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(5) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent the letter of notification prescribed in § 7.50 (b) as authorization for the release of excess tax withheld, if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1953, from government pensions, private pensions, or life annuities, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld.

(6) The original and duplicate of such substitute Form 1001-C shall be forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C., with the quarterly return on Form 1012, as provided in § 29.143-7 of this chapter with respect to Form 1001. Such substitute Form 1001-C shall be listed on Form 1012.

(7) The provisions of this section shall have no application to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue pursuant to § 29.143-7 of this chapter.

(b) *Exempt organizations.* (1) In the case of every exempt organization whose address at the time of payment was in Canada and which furnishes to the withholding agent a letter of notification in accordance with § 7.51 (b) if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1953, from fixed or determinable annual or

periodical income derived from sources within the United States, there shall be released (except in the case of coupon bond interest) by the withholding agent and paid over to the organization from which it was withheld an amount equal to the tax so withheld, if the date on which the Commissioner of Internal Revenue has held such organization to be exempt from taxation under Chapter 1 is not subsequent to the date on which payment of such income was made.

(2) In the case of every exempt organization whose address at the time of payment was in Canada and which furnishes to the withholding agent Form 1001-C clearly marked "Substitute" and executed in accordance with §§ 7.47 (b) and 7.51 (b) if United States tax has been withheld from coupon bond interest on or after January 1, 1953, there shall be released by the withholding agent and paid over to the organization from which it was withheld an amount equal to the tax so withheld, if the date on which the Commissioner of Internal Revenue has held such organization to be exempt from taxation under Chapter 1 is not subsequent to the date on which payment of such interest was made. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(3) The original and duplicate of such substitute Form 1001-C shall be forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C., with the quarterly return on Form 1012, as provided in § 29.143-7 of this chapter with respect to Form 1001. Such substitute Form 1001-C need not be listed on Form 1012.

(c) *Dividends paid by related corporation.* In the case of every domestic corporation receiving notification from the Commissioner of Internal Revenue under the provisions of § 7.46 (b) that dividends paid or to be paid by it fall within the scope of the provisions of Article XI (2) of the convention, if United States income tax in excess of the applicable rate of 5 percent has been withheld on or after January 1, 1953, from dividends which come within the scope of such provisions, the withholding agent shall, if so authorized in such notification, release and pay over to the corporation from which it was withheld the excess tax withheld with respect to such dividends.

(d) *Amounts withheld during 1951 and 1952.* For provisions respecting the refund of excess tax withheld during the calendar years 1951 and 1952, see § 7.56.

§ 7.53 *Addressee not actual owner—*

(a) *General.* (1) If the recipient in Canada of any dividend from sources within the United States, with respect to which United States income tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.46 (d), is a nominee or representative through whom such dividend flows to a person

other than one described in § 7.46 (a) as being entitled to such reduced rate, such recipient in Canada shall withhold an additional amount of United States income tax equivalent to the United States income tax which would have been withheld if the convention had not been in effect (30 percent of such dividend as of the date of approval of this subpart) minus the 15 percent which has been withheld at the source.

(2) In any case in which a fiduciary or partnership with an address in Canada receives, otherwise than as a nominee or representative, a dividend from sources within the United States with respect to which United States income tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.46 (d) if a beneficiary of such fiduciary or a partner in such partnership is not entitled to the reduced rate of tax granted by Article XI of the convention, the fiduciary or partnership shall withhold an additional amount of United States income tax with respect to the portion of such dividend included in such beneficiary's share of the distributed or distributable income, or in such partner's distributive share of the income, of such fiduciary or partnership, as the case may be. The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) If any amount of United States income tax is released pursuant to § 7.52 (a) by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in Canada, the latter shall also withhold from such released amount any additional amount of United States income tax, otherwise required to be withheld by the provisions of subparagraphs (1) and (2) of this paragraph in respect of such dividend, in the same manner as if at the time of payment of such dividend United States income tax at the rate of only 15 percent had been withheld at source therefrom.

(4) Nothing in this subpart shall be deemed to prevent the application of § 7.511, relating to Canadian withholding agents (Treasury Decision 5532, approved August 23, 1946).

(b) *Returns filed by Canadian withholding agents.* The amounts so withheld by such withholding agents in Canada during the year 1954 and each subsequent calendar year during which the convention is in effect shall be forwarded, after being converted into United States dollars, to the District Director of Internal Revenue, Baltimore 2, Maryland, U. S. A., on or before March 15 of the following year, together with United States return Form 1042 on which shall be listed the names, addresses, and other information required on such form in respect to the persons from whom such additional amounts have been withheld by such agents in Canada.

§ 7.54 *Return of tax withheld and information to be furnished in ordinary course—*(a) *Return of tax withheld.* In addition to making the annual return on Form 1042 prescribed by § 29.143-7 of this chapter, every United States with-

holding agent shall make and file in duplicate with the district director of internal revenue an information return on Form 1042B for the calendar year 1954 and each subsequent calendar year during which the convention is in effect. There shall be reported on Form 1042B all items of fixed or determinable annual or periodical income derived from sources within the United States and paid to nonresident aliens (including nonresident, alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations (including exempt organizations) whose addresses at the time of payment were in Canada, including (1) such items of income as are required to be listed on Form 1042, (2) all items of interest required to be listed on Form 1012, and (3) such items of income upon which, in accordance with this subpart, no withholding of United States tax is required; except that any of such items which constitute wages subject to withholding of United States tax pursuant to section 1622, Internal Revenue Code, and any item of interest in respect of which Form 1001-C or substitute Form 1001-C has been filed in duplicate with the withholding agent are not required to be reported on Form 1042B.

(b) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XIX and XX of the convention the Commissioner of Internal Revenue will transmit to the Minister of National Revenue of Canada, as soon as practicable after the close of the calendar year 1954 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042B filed pursuant to paragraph (a) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001-C, filed pursuant to § 7.47 (b) or § 7.51 (b) and substitute Form 1001-C, filed pursuant to § 7.52 (a) or § 7.52 (b) in connection with coupon bond interest.

§ 7.55 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Canada and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles XI, XII, and XIII C of the convention with respect to dividends, interest, copyright royalties, and other gains, profits, and income to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust. In order to be entitled in such instance to the exemption from, or reduction in the rate of, withholding of United States tax such beneficiary must otherwise satisfy the requirements of these respective articles of the convention and shall, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the Form 1001A-C prescribed in §§ 7.47 (b), 7.48 (b) and 7.49 (b).

§ 7.56 *Refund of excess tax withheld during 1951 and 1952.* (a) If United

States income tax withheld at the source during the years 1951 and 1952 from dividends, interest, copyright royalties and the like, natural resource royalties, real property rentals, salaries, wages, pensions, life annuities, or other gains, profits, and income is in excess of the tax imposed by Chapter 1 (relating to the income tax) of the Internal Revenue Code, as modified by the convention, a claim by the taxpayer for the refund of any overpayment shall be made under section 322 of the Internal Revenue Code by filing Form 843 together with Form 1040NB, Form 1040B, Form 1120, Form 1120NB, or other appropriate return, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. There shall also be included in such claim for refund:

(1) A statement that, at the time when the item or items of income were derived from which the excess tax was withheld, (i) the taxpayer was neither a citizen nor a resident of the United States but was a resident of Canada, or, in the case of a corporation, (ii) that the taxpayer was a corporation organized under the laws of Canada; and

(2) A statement that the taxpayer at no time during the taxable year in which such income was derived was engaged in trade or business within the United States through a permanent establishment situated therein.

(c) If, however, the taxpayer is an individual who during the taxable year derived from sources within the United States income which consists exclusively of pensions or life annuities entitled to the benefit of Article VI A of the convention, the statement specified in paragraph (b) (2) of this section shall not be required.

(d) If the taxpayer is an exempt organization claiming the benefit of Article X of the convention, the statement specified in paragraph (b) (2) of this section shall not be required, but such organization shall include with such claim a copy of the Commissioner's determination referred to in § 7.51 (b) and shall indicate whether it was engaged in trade or business within the United States at any time during the taxable year in which the income concerned was derived.

(e) As to additional information required in the case of a Canadian corporation claiming the benefit of the 5 percent rate on dividends paid by a domestic corporation, see § 7.46 (b)

§ 7.57 *Prior regulations.* Except to the extent necessary for the application of § 7.511 (Treasury Decision 5532) the provisions of §§ 7.10 through 7.17 (Treasury Decision 5157, approved June 27, 1942) are hereby superseded as the respective provisions of this subpart become effective.

[F. R. Doc. 53-6882; Filed, Aug. 5, 1953; 8:51 a. m.]

[26 CFR Part 175]

[Regs. 13]

MISCELLANEOUS EXCISE TAXES; TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

REQUIREMENTS FOR MARKING LIQUOR BOTTLES AND EARTHENWARE CONTAINERS, LABELING DISTILLED SPIRITS, AND DISPOSING OF MARKED CONTAINERS

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U. S. C. 1001, et seq.) approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Secretary of the Treasury, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of 53 Stat. 331, 373 as amended; 26 U. S. C. 2871, 3170.

[SEAL] M. B. FOLSON,
Acting Secretary of the Treasury.

1. Regulations 13, Traffic in Containers of Distilled Spirits (26 CFR Part 175; 16 F. R. 4045) are amended as follows:

a. Sections 175.34, 175.43, 175.55, 175.56, 175.57, 175.89, 175.90, 175.94, 175.95 and 175.115 are amended; and
b. Sections 175.56a, 175.57a, 175.59a and 175.94a are added.

SUBPART C—MANUFACTURE AND SALE OF BOTTLES FOR PACKAGING DISTILLED SPIRITS

* * * * *
§ 175.34 *Indicia for domestic liquor bottles.* There shall be blown legibly either in the bottom or in the body of each liquor bottle (a) the permit number of the manufacturer, (b) the year of manufacture (which shall be indicated by the last two numerals), and (c) a symbol and number assigned by the Assistant Regional Commissioner, or by the Commissioner in the case of symbols and numbers assigned to States, to represent the name of the bottler procuring the same; and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle" *Provided*, That liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, and liquor bottles for the packaging of other distilled spirits authorized by the Commissioner under § 175.56a, may be manufactured and shipped, consigned, or delivered not marked as required by this section.

SUBPART D—LABELS

* * * * *
§ 175.43 *Name and address of bottler.* On labels of domestic distilled spirits, there shall be stated the phrase "Bottled by" immediately followed by the name of the bottler or the trade

name under which the spirits are bottled, and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided*, That on labels of whisky and straight whisky there shall be stated the State of distillation of such whisky, if such whisky is not distilled in the State given in the address of the brand label: *Provided further*—

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by" followed by the bottler's name (or trade name) and address, the phrase "Distilled by" followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by" followed by the bottler's name (or trade name) and address, the phrase "Blended by" "Made by" "Prepared by" "Manufactured by" or "Produced by" (whichever may be appropriate to the act of rectification involved) followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier;

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by" or other similar statement.

SUBPART E—USE OF CONTAINERS FOR PACKAGING DISTILLED SPIRITS

§ 175.55 *Containers for distilled spirits.* The use for packaging distilled spirits for sale at retail of containers of one-half pint capacity or greater, not marked as prescribed by this part, is prohibited except as provided in §§ 175.56 to 175.58.

§ 175.56 *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, not marked as required by § 175.34.

— § 175.56a *Unmarked liquor bottles for other distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, in his discretion, by the issuance of an appropriate permit, authorize the

procurement and use by such bottler, for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., of liquor bottles, not marked as required by § 175.34, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture.

§ 175.57 *Earthenware containers for distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use, for packaging distilled spirits, of earthenware containers marked legibly, by underglaze coloring, (a) either on the bottom or on the body with a symbol and number assigned by the Assistant Regional Commissioner, or by the Commissioner in the case of symbols and numbers assigned to States, to represent the name of the bottler procuring the same; and (b) on the shoulder with the words, "Federal Law Forbids Sale or Reuse of This Bottle." *Provided*, That upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use by such bottler for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., of earthenware containers, not marked as required by this section, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture.

§ 175.57a *Approval of distinctive unmarked containers.* Application in letter form for the approval of any distinctive container, accompanied by a specimen, photograph or drawing of the container, and in the case of any such container for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., a statement of the cost of manufacture shall be submitted to the Commissioner and approval procured, prior to submission of an application (Form 98) to the Assistant Regional Commissioner. Such application (Form 98) shall specify the number of the container assigned by the Commissioner.

§ 175.59a *Use of earthenware containers bearing the same indicia, by parent company and wholly-owned subsidiaries.* Any bottler authorized to bottle distilled spirits at more than one location may select, for marking on earthenware containers, any one permit symbol and number assigned to him, or to any of his wholly-owned subsidiaries, for use by him and at any or all of the premises of his wholly-owned subsidiaries at which distilled spirits are bottled. The bottler shall notify the Commissioner of such selection. Application (Form 98) filed by the bottler pursuant to § 175.57 for the procurement and use of earthenware containers shall give the location or locations to which such containers are to be shipped.

Stocks of earthenware containers bearing such selected indicia held by the parent company or any of its wholly-owned subsidiaries may be transferred between such premises without obtaining a permit authorizing such transfer; however, earthenware containers bearing any symbol and number other than the selected indicia, may not be so transferred without first obtaining a permit from the Assistant Regional Commissioner.

SUBPART G—IMPORTS AND EXPORTS

IMPORTATION OF FILLED CONTAINERS

§ 175.89 *Importation of distilled spirits in unmarked containers.* No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, not marked as prescribed by this part: *Provided*, That upon application (Form 98) by the importer, the Assistant Regional Commissioner of the region in which the port of entry is situated may, in his discretion, by the issuance of an appropriate permit, authorize the importation of liquor bottles or earthenware containers containing distilled spirits such as whisky, brandy, rum, gin, vodka, etc., not marked as prescribed by this part, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture. The provisions of this section shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

§ 175.90 *Indicia.* There shall be blown legibly either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be blown legibly in the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in §§ 175.89, 175.91 to 175.94, and 175.95.

§ 175.94 *Distilled spirits in earthenware containers.* Upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may, in his discretion, issue a permit authorizing the importation of distilled spirits in earthenware containers marked legibly in underglaze coloring (a) either on the bottom or on the body with the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and (b) on the shoulder with the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in sections 175.89 and 175.95.

§ 175.94a *Approval of distinctive unmarked containers.* Approval of distinctive unmarked containers shall be procured in accordance with the procedure prescribed by § 175.57a.

§ 175.95 *Containers denied entry.* Containers, whether filled or empty, imported in violation of the provisions of this subpart shall be denied entry into the United States: *Provided*, That upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may, in his discretion, in nonrecurring cases, authorize the release from customs custody of distilled spirits in containers which, through unintentional error, are not marked completely in accordance with the provisions of this part, if the Commissioner finds that such release will not afford a jeopardy to the revenue.

SUBPART H—PERMITS, REVOCATION
PROCEEDINGS

§ 175.115 *Disposition of stocks of containers.* When the permit of a bottle manufacturer or bottler is suspended, revoked, or surrendered, stocks of liquor bottles and other authorized marked containers on hand or in process may be disposed of under permit to a person authorized to receive liquor bottles, in accordance with the directions of the Commissioner. Application shall be made on Form 98 by such person for permission to acquire the entire stock, regardless of place of storage or persons or concerns holding title thereto, and submitted to the Assistant Regional Commissioner of the region in which the applicant is located: *Provided*, That,

where it is found that the entire stock cannot be disposed of to one authorized bottler, the Commissioner may authorize the disposal of such containers, in lots, by size or type, to more than one bottler if he finds that such authorization will not afford a jeopardy to the revenue. The application on Form 98 shall be supported by a statement filed by the vendor setting forth whether the Form 98 covers his entire stock, or his entire stock of a particular size or type of bottle. A sample of each size or type of container represented in the stock which the applicant or applicants desire to purchase shall be submitted to the Assistant Regional Commissioner with the application Form 98 and the supporting statement of the vendor. If such stocks are not disposed of in accordance with the directions of the Commissioner, they shall be seized and forfeited, as provided in section 2871 of the Internal Revenue Code.

(53 Stat. 331, 373; 26 U. S. C. 2871, 3170)

2. There is hereby deleted the footnote to the source of §§ 175.1 to 175.131 which was erroneously included in the 1950 edition of Regulations 13 which reads, "§§ 175.60, 175.62, 175.63, 175.74, 175.75, 175.76, 175.77, 175.78, 175.96 and 175.122 appearing herein are amendments effective only during the period of the unlimited national emergency proclaimed by the President on May 27, 1941

(Proc. 2519; 3 CFR 1943 Cum. Supp.) Upon termination of the unlimited national emergency these amendments will be automatically revoked and the regulations, as they existed prior to the issuance of Treasury Decision 5292, shall be reissued."

3. The effect of these amendments is (a) to eliminate apparent discrepancies between containers authorized for use in bottling domestic distilled spirits and similar containers authorized for the importation of distilled spirits; (b) to liberalize the requirements governing the use of earthenware containers for distilled spirits such as whisky, brandy, rum, gin, vodka, etc., (c) to permit the use of unmarked liquor bottles and earthenware containers which the Commissioner finds will not afford a jeopardy to the revenue, because of their unique or distinctive shape or design and cost of manufacture; (d) to prescribe procedure, not currently available to facilitate the disposition of marked containers; and (e) to bring the requirements for the labeling of distilled spirits intended to be restricted to intrastate commerce into alignment with those governing the labeling of containers intended for interstate commerce.

4. These regulations shall be effective upon the date of publication in the FEDERAL REGISTER.

[F. R. Doc. 53-6883; Filed, Aug. 5, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry learner regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended Decem-

ber 31, 1951, 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818)

Alcorn Manufacturing Co., Corinth, Miss., effective 7-23-53 to 1-22-54; 38 learners for expansion purposes (sport shirts).

Asba Manufacturing Corp., South Cedar Lane, Greencastle, Pa., effective 7-24-53 to 7-23-54; 10 percent of the factory production workers for normal labor turnover purposes (cotton and rayon house coats and house dresses).

Barrow Manufacturing Co., Statham, Ga., effective 7-22-53 to 1-21-54; 15 learners for expansion purposes (sport shirts).

Blue Jeans Corp., Box 538, Whiteville, N. C., effective 7-27-53 to 1-28-54; 20 learners for expansion purposes (work clothing).

Chicago Garment Co., Inc., Cheboygan, Mich., effective 7-23-53 to 7-22-54; 10 learners for normal labor turnover purposes (work clothing).

Dixie Frocks Co., 79 Wyoming Avenue, Wyoming, Pa., effective 7-22-53 to 7-21-54; 5 learners for normal labor turnover purposes (women's apparel).

Ess Bee Manufacturing Co., Inc., 122 Pleasant Street, Fall River, Mass., effective 7-22-53 to 7-21-54; 10 percent of the factory production workers for normal labor turnover (ladies' cotton house dresses).

Esskay Manufacturing Co., 410 South Main Street, San Antonio, Tex., effective 7-27-53 to 7-26-54; 10 percent of the factory production workers for normal labor turnover purposes (small boys' outer apparel).

Fortex Manufacturing Co., Inc., 51 Milner Street, Fort Deposit, Ala., effective 7-27-53 to 1-26-54; 10 learners for expansion purposes (men's and boys' pajamas).

Fortex Manufacturing Co., Inc., 51 Milner Street, Fort Deposit, Ala., effective 7-27-53

to 7-26-54; 10 learners for normal labor turnover purposes (men's and boys' pajamas).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa., effective 8-4-53 to 8-3-54; 10 percent of the factory production workers for normal labor turnover purposes (sport shirts and jackets).

Garrett Garment Corp., Garrett, Ind., effective 7-27-53 to 1-26-54; 25 learners for expansion purposes (dresses and smocks).

H & H Manufacturing Co., Inc., Statham, Ga., effective 7-27-53 to 7-26-54; 10 percent of the factory production workers for normal labor turnover purposes (men's slacks).

Harrisville Garment Corp., Harrisville, W. Va., effective 8-14-53 to 8-13-54; 10 percent of the factory production workers or 10 learners, whichever is greater (women's rayon and cotton blouses).

Hartsville Garment Corp., P. O. Box 215, Hartsville, Tenn., effective 7-22-53 to 1-21-54; 15 learners for expansion purposes (sport shirts).

Malzone Sports, Inc., 1804 North Habana Avenue, Tampa, Fla., effective 7-23-53 to 7-22-54; 5 learners for normal labor turnover purposes (athletic clothing).

Marica Dress Co., Tunkhannock, Pa., effective 7-22-53 to 7-21-54; 5 learners for normal labor turnover purposes (dresses).

Marine Garment Co., Marine, Ill., effective 7-22-53 to 7-21-54; 10 learners for normal labor turnover purposes (women's cotton sportswear and sleeping garments).

Monterey Manufacturers, Monterey, Tenn., effective 8-3-53 to 2-2-54; 40 learners for expansion purposes (boys' sport shirts).

Nashville Garment Co., Nashville, Ill., effective 7-27-53 to 1-26-54; 35 learners for expansion purposes. This certificate does not authorize the employment of learners engaged in the manufacture of ladies' skirts

and lined jackets (blouses, dresses, jackets, shorts and skirts).

Earle C. Parker, Inc., 1717 West Webster, Houston, Tex., effective 7-27-53 to 7-26-54; 5 learners for normal labor turnover purposes (women's and men's uniforms).

Rita's Fashions, Lincoln Street, Moscow, Pa., effective 7-22-53 to 7-21-54; 5 learners for normal labor turnover purposes (ladies' blouses, children's dresses).

Roydon Wear, Inc., McRae, Ga., effective 8-8-53 to 8-7-54; 10 percent of the factory production workers for normal labor turnover purposes (boys' apparel).

Savannah Manufacturing Co., Savannah, Tenn., effective 7-27-53 to 1-26-54; 50 learners for expansion purposes (men's work trousers).

Springfield Garment Manufacturing Co., 627-35 North Campbell, Springfield, Mo., effective 7-27-53 to 7-26-54; 10 percent of the factory production workers for normal labor turnover purposes (pants).

Summit Hill Manufacturing Corp., 101 West White Street, Summit Hill, Pa., effective 7-27-53 to 7-26-54; 10 percent of the factory production workers for normal labor turnover purposes (ladies' sportswear).

Well Made Novelty Co., South Murray Street, Bangor, Pa., effective 7-27-53 to 7-26-54; 10 percent of the factory production workers or 10 learners whichever is greater (ladies' blouses).

Westway Manufacturing Co., 212 West Main St., Fredericksburg, Tex., effective 8-6-53 to 8-5-54; 10 learners for normal labor turnover purposes (small boys' shirts).

Williamson-Dickie Manufacturing Co., Uvalde, Tex. effective 7-22-53 to 1-21-54; 50 learners for expansion purposes (work clothing).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888; and July 13, 1953, 18 F. R. 3292)

Indianapolis Glove Co., Inc., Indianapolis, Ind., effective 7-25-53 to 7-24-54; 10 percent of the total number of machine stitchers (Canton flannel and combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind., effective 7-25-53 to 7-24-54; 10 learners (combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Rushville, Ind., effective 7-25-53 to 7-24-54; 10 learners (canton flannel work gloves).

Indianapolis Glove Co. Inc., Marion, Ind., effective 7-25-53 to 7-24-54; 10 learners (combination leather and cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733)

Huffman Finishing Co., 3½ miles on Highway 321 from Granite Falls, N. C., effective 7-24-53 to 7-23-54; 5 learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Altamont Knitting Mills, Inc. 19-23 East Union Street, Wilkes-Barre, Pa., effective 7-21-53 to 7-20-54; 5 learners (sweaters and polo shirts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any

person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of July 1953.

MILTON BROOKE,
Authorized Representative
of the Administrator

[F. R. Doc. 53-6851; Filed, Aug. 5, 1953; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 503

JULY 20, 1953.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372) and pursuant to section 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284) as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m., on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

COPPER RIVER MERIDIAN

T. 2 N., R. 1 W.,

Section 13: SW¼SE¼ and lots 3, 4, 5, 7, 8, 9, 10 and that portion of lot 11 which would be described in terms of normal subdivisions as SE¼SE¼SW¼NE¼SE¼, W¼SE¼NE¼SE¼, W¼E¼SE¼NE¼SE¼, SE¼SE¼SE¼NE¼SE¼

Containing approximately 351.75 acres.

Section 24: Lot 4

Containing approximately 1.03 acres.

COPPER RIVER MERIDIAN

T. 2 N., R. 1 E.,

Section 18: Lots 5, 7, 8, 9 and that portion of lot 6 lying west of the right-of-way of the Richardson Highway which would be described in terms of normal subdivisions as SW¼SW¼SE¼NW¼SW¼, S¼S¼SW¼NW¼SW¼, E¼NE¼SW¼NW¼SW¼, and NE¼SE¼SW¼NW¼SW¼

Containing approximately 165.08 acres.

SEWARD MERIDIAN

T. 7 N., R. 12 W.,

Section 22: Lots 1, 2, and 3 and NE¼NE¼

Containing approximately 142.04 acres.

All lands within 80 rods of the shores of all lakes, streams, and other bodies of navigable or other waters which may now or hereafter be or become subject to the cre-

ation of shorespace reserves, lying within the limits of that unurveyed area which, when surveyed, will be Sections 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, and 36 T. 7 N., R. 12 W., Seward Meridian, containing approximately 530 acres.

A tract of land located on Kachemak Bay, Alaska more particularly described as follows:

Starting at a point on the shore of Kachemak Bay 3,250 feet east of Corner No. 1 U. S. Survey 3918 and located at approximate latitude 63°44'23" north, longitude 151°02'33" west, Corner No. 1; thence easterly along the shore of the Bay a distance of 2,189 feet to Corner No. 2; thence southerly a distance of 1,320 feet to Corner No. 3; thence westerly parallel to the shore a distance of 2,189 feet to Corner No. 4; thence northerly a distance of 1,320 feet to the point of beginning, containing approximately 100 acres.

A tract of land located on Kachemak Bay more particularly described as follows:

Commencing at Corner No. 2 of U. S. Survey 3918, Corner No. 1; thence in an easterly direction along the shore of Kachemak Bay a distance of 709 feet to Corner No. 2; thence in a southerly direction a distance of 3,699 feet to Corner No. 3; thence westerly a distance of 709 feet to Corner No. 4; thence northerly in part along line 2-3 of U. S. Survey 3918 a distance of 3,699 feet to point of beginning, containing approximately 89 acres (Homestead application of Howard L. Pomeroy, Anchorage 019760).

A tract of land located on Kachemak Bay more particularly described as follows:

Commencing at a point on the shore of Kachemak Bay 709 feet east of Corner No. 2 of U. S. Survey 3918 and located at approximately latitude 63°44'20" N. longitude 151°02'33" west, Corner No. 1; thence easterly along the south shore of Kachemak Bay a distance of approximately 2,499 feet to Corner No. 2; thence southerly a distance of 3,000 feet to Corner No. 3; thence westerly a distance of 2,499 feet to Corner No. 4; thence northerly a distance of 3,000 feet to the point of beginning, containing approximately 160 acres (Homestead application of Rodney A. Pomeroy, Anchorage 019761).

A tract of land located on Resurrection Bay, Alaska more particularly described as follows:

Commencing at Corner No. 1 located on the west shore of Resurrection Bay at approximately latitude 60°04'06" north, longitude 149°26'30" west; thence in a westerly direction a distance of 2,640 feet to Corner No. 2; thence in a southerly direction 2,640 feet to Corner No. 3; thence in an easterly direction 2,640 feet to Corner No. 4; thence in a northerly direction along the beach for approximately 2,640 feet to the point of beginning, containing approximately 160 acres (Homestead application of Gerald E. Martin, Anchorage 621059).

A tract of land located on the Klutina River, Alaska identified as that portion of lot 11, Section 13, T. 2 N., R. 1 W., Copper River Meridian, which would be described in terms of normal subdivisions as E¼NE¼SE¼NE¼SE¼, NE¼SE¼SE¼NE¼SE¼, and that portion of lot 6, Section 18, T. 2 N., R. 1 E., Copper River Meridian, which would be described in terms of normal subdivisions as NW¼SW¼NW¼SW¼, W¼NE¼SW¼NW¼SW¼, N¼SW¼SW¼NW¼SW¼, and NW¼SE¼SW¼NW¼SW¼, containing approximately 5.4 acres (Homestead application of Ames J. Fleury, Anchorage 016173).

A tract of land located on Thimbleberry Bay, Alaska, more particularly identified as follows:

Beginning at a point along the Sitka Highway South at approximate latitude 57°03' N, longitude 135°17' W, Corner No. 1; thence S 73° W a distance of 2.93 chains to Corner No. 2; thence S 13°45'30" E a distance of 4.51 chains to Corner No. 3; thence N 72° E a distance of 3.91 chains to Corner No. 4;

thence N 26° W a distance of 4.50 chains to the point of beginning, containing approximately 1.53 acres (Home-site application of Alvin H. Pederson, Anchorage 021191).

A tract of land located on Herring Bay, Alaska identified as Lot 72 U. S. Survey 2404, containing approximately 0.89 acres (Home-site application of William K. Spaulding, Anchorage 022062).

A tract of land located on Clover Passage, Alaska identified as Lot 67, U. S. Survey 3020, containing approximately 3.52 acres (Home-site application of Charles M. Thatcher, Anchorage 023078).

A tract of land located on Island Lake, Kodiak, Alaska, identified as proposed U. S. Survey 3219, containing approximately 5 acres (Home-site application of Fred Solberg, Anchorage 021104).

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 53-6850; Filed, Aug. 5, 1953;
8:45 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 34]

ANY ARTICLE OF CZECHOSLOVAK ORIGIN

REVOKING ORDER PROHIBITING MANIPULATION, MANUFACTURE, OR ANY OTHER PROCESS OF TREATMENT IN A FOREIGN-TRADE ZONE

Pursuant to authority contained in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U. S. C. 81a-81u) the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, upon the recommendation of the Department of State, the Foreign-Trade Zones Board on January 9, 1953, issued its Order No. 30 (18 F. R. 375, Jan. 16, 1953) providing that no manipulation, manufacture, or any other process of treatment of any article of Czechoslovak origin shall be allowed in a foreign-trade zone; and

Whereas, the Department of State, upon reviewing the situation in the light of the present circumstances, considers that it now is no longer against the public interest to permit manipulation or manufacture of goods of Czechoslovak origin in a foreign-trade zone;

Now, therefore, upon the recommendation of the Department of State, the Foreign-Trade Zones Board, after full consideration and a finding that it is in the public interest, and under the authority granted to it by section 15 (c) of said Foreign-Trade Zones Act, hereby revokes said Order No. 30.

It is found that compliance with the notice, public rule making procedure, and delayed effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impractical, unnecessary, and contrary to the public interest in connection with the issuance of this order, because rather than adversely affecting the rights of interested persons, it restores a privilege to such persons. The effective date of this order is, therefore, the date of publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of July 1953.

FOREIGN TRADE ZONES BOARD,

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce, Chairman and Executive Officer,
Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary,
Foreign-Trade Zones Board.

[F. R. Doc. 53-6848; Filed, Aug. 5, 1953;
8:45 a. m.]

Office of International Trade

[Case No. 157A]

VICENTE LARRAURI

ORDER STAYING EFFECTIVENESS OF ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Vicente Larrauri, 814 Cortlandt Avenue, Bronx, New York; respondent; Case No. 157A.

On application of Vicente Larrauri to the Compliance Commissioner for a stay as to him of the denial order issued against him and others under date of July 17, 1953, pending hearing and final decision of his appeal therefrom to the Appeals Board of the Department of Commerce, and it appearing that good cause exists for said stay *It is hereby ordered*, That said denial order, issued on July 17, 1953, and published in the FEDERAL REGISTER on July 23, 1953 (18 F. R. 4345) be and is hereby stayed in all respects as to said Vicente Larrauri until final decision of his appeal therefrom by said Appeals Board.

Dated: August 3, 1953.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 53-6862; Filed, Aug. 5, 1953;
8:47 a. m.]

[Case No. 158]

BOTICA HIDALGO ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Botica Hidalgo, a copartnership composed of Rafael Benaventes-Acosta and Casimiro Arciniega-Saavedra and Rafael Benaventes-Acosta, individually, P. O. Box 931, Calexico, California, and/or 170 Azueta Avenue, Mexicali, B. C., Mexico; respondents; Case No. 158.

Pursuant to the provisions of § 382.11 (b) of the Export Control Regulations, an ex parte order was issued by the Office of International Trade on May 18, 1953, against respondent Benaventes-Acosta, individually and trading as Botica Hidalgo, and certain other respondents, and was later amended and extended to respondent Casimiro Arciniega-Saavedra in his capacity as copartner only, upon ascertaining that the latter was a partner in Botica Hidalgo, revoking all validated export licenses issued to or held in the names of said respondents and temporarily

suspending their validated and general license privileges, and privileges of effecting exports to Canada, for a period of sixty (60) days (18 F. R. 2962). Said order was issued in the public interest and for the purpose of temporarily prohibiting further exportations from the United States pending the completion of an investigation into the alleged smuggling of antibiotics into Mexico by Benaventes-Acosta, and others, for the benefit of Botica Hidalgo, in violation of United States laws and, particularly, the Export Control Act of 1949, as amended, and the regulations thereunder.

Thereafter, Botica Hidalgo, by Benaventes-Acosta and Arciniega, moved to vacate or modify the temporary suspension order so issued, and to vacate or modify the suspension of their validated license privileges which had been curtailed temporarily by the terms of a charging letter, dated July 9, 1953, issued to and transmitted to these respondents, and others, charging that Botica Hidalgo, by and through Benaventes-Acosta, had attempted to effect the improper export of antibiotics from the United States into Mexico; that certain other respondents had attempted to export antibiotics from the United States into Mexico for the benefit of Botica Hidalgo to and at the direction of Benaventes-Acosta, and that Benaventes-Acosta and another individual, on behalf of Botica Hidalgo, made or caused to be made false representations on an export control document submitted to the United States Collector of Customs at Calexico, California, in order to effect an improper exportation of antibiotics into Mexico.

A hearing on said motion and on a cross application of the Office of International Trade dated July 13, 1953, to extend the terms of the order of May 18, 1953, until final determination of the compliance proceedings instituted by the said charging letter of July 9, 1953, was held before the Compliance Commissioner on July 15, 1953, at which counsel for these respondents appeared for the motion and counsel for the Office of International Trade appeared in opposition. On July 17, 1953, an order was issued denying the motion of these respondents, granting the application of the Office of International Trade as aforesaid, and extending the terms of the order of May 18, 1953, against these respondents, and others, until determination of the pending administrative compliance proceedings (18 F. R. 4360).

Thereafter, the above-named respondents having received the said charging letter of July 9, 1953, and on the advice of and by counsel, elected to submit a writing dated July 20, 1953, admitting the charges in said charging letter applicable to them for the purpose of these compliance proceedings only, waiving oral hearing thereon, and consenting to an order denying their export privileges for the period and under the terms set forth below. In accordance with an application of the Office of International Trade, the compliance proceedings have been duly severed as to these respondents, and this order disposes of the charges against them only.

Disposition of the charges against the other respondents named in the charging letter will be the subject of action at a later date.

It has been stipulated by counsel for the above-named respondents and counsel for the Office of International Trade that the evidentiary material heretofore submitted on behalf of said respondents in support of the motion and on behalf of the Office of International Trade in support of the application and of the charges as aforesaid, as well as the entire record, be deemed resubmitted for the purpose of the consideration of the consent proposal as aforesaid.

On the basis of the record, the evidence, and the admissions of respondents as aforesaid, it appears that between January 1951 and March 1953 the said Benaventes-Acosta, for and on behalf of Botica Hidalgo, and others, unlawfully brought or attempted to bring into Mexico from the United States quantities of antibiotics of United States origin consigned to Botica Hidalgo in Mexico, by smuggling or attempting to smuggle same from the United States into Mexico in knowing violation of United States laws, specifically of the Export Control Act of 1949, as amended, and the regulations promulgated thereunder. It appears further that on March 16, 1953, said respondent Benaventes-Acosta, and another, made or caused to be made false representations on an export control document submitted to the United States Collector of Customs at Calexico, California, whereby they attempted to export from the United States into Mexico for the benefit of said respondent Botica Hidalgo quantities of antibiotics having a value in excess of the \$100 value lawfully exportable under general license GLV. It appears further that since October 1951 there have been three seizures by United States Customs officials of antibiotics consigned to Botica Hidalgo, two of these cases resulting in default forfeiture to the United States of several thousand dollars worth of antibiotics and a third case is pending involving a seizure of a smaller amount of antibiotics.

The charging letter of July 9, 1953, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review, and the Compliance Commissioner has also informally reviewed the evidence presented by the Investigation Staff, Office of International Trade, in support of the charges and the evidence of said respondents in mitigation of the charges as submitted by stipulation of counsel as aforesaid, and he has found the charges to be supported by the evidence and has also found the terms and conditions of the proposed order as consented to by the said respondents to be fair and reasonable, and he has recommended that such order be issued.

The Compliance Commissioner has pointed out and his report shows that he has considered the various factors urged in mitigation of respondents' acts herein, and while he is unable to accept all such claimed circumstances, he has found no evidence that any of the antibiotics brought into Mexico by and for Botica

Hidalgo have been improperly diverted or transhipped beyond Mexico or that there is reason to believe that such diversion or transshipment has occurred. He has also pointed out that in weighing the terms of the consent proposal he has taken into consideration the fact that respondents have been deprived of all export privileges since the issuance of the temporary suspension order on May 18, 1953.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, the proposal for a consent order, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the name of Botica Hidalgo, or in the names of Rafael Benaventes-Acosta or Casimiro Arcumiega-Saavedra, or either of them as partners therein, or in the name of or held by Rafael Benaventes-Acosta, individually, or any person, firm, corporation, or other business organization with which said Botica Hidalgo and/or Benaventes-Acosta, individually, are now related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith, are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

(2) Botica Hidalgo, and to the extent that Benaventes-Acosta and Casimiro Arcumiega-Saavedra act for and in behalf of said firm as partners therein, and Benaventes-Acosta, individually, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Mexico and Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to Botica Hidalgo and to Benaventes-Acosta and Casimiro Arcumiega-Saavedra to the extent that they, and each of them, act for and in behalf of said firm as partners therein, and to Benaventes-Acosta, individually, but also to any person, firm, corporation, or other business organization with which said Botica Hidalgo and/or Benaventes-Acosta, individually, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in-

volving exports from the United States or services connected therewith.

(4) This order shall extend for a period of thirty (30) months from July 24, 1953: *Provided, however* That after three (3) months from the effective date hereof the general license privileges, and, after six (6) months from the effective date hereof the validated license privileges, which are denied by the terms of this order shall be restored to respondents without further order of the Office of International Trade, but no validated licenses which have been revoked and cancelled under this order shall thereby be restored. It is provided further, that during the last twenty-four (24) months of this order respondents shall be entitled to exercise all export privileges, but that in the event respondents or any of them shall knowingly violate the terms of this order or any of the laws or regulations relating to export control during the first six (6)-month period thereof, or knowingly violate any of the laws or regulations relating to export control at any time during said last twenty-four (24)-month period thereof, the Office of International Trade may summarily and without notice to the respondent responsible for such violation, at such time as it shall determine that such violation has occurred, issue a supplemental order which may deny to said respondent all export privileges for a period of twenty-four (24) months from the date of such supplemental order and may revoke and cancel all outstanding validated export licenses as to which said respondent may be a party, without thereby limiting the Office of International Trade from taking such other and further action based on such violation as it shall deem warranted.

(5) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general export licenses, or finance, service, transport, forward, or receive any commodities thereunder, to or for the named respondents, or any of them, or any person, firm, corporation, or other business organization covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: August 3, 1953.

JOHN C. BORTON,
Assistant Director for Export Supply.
[F. R. Doc. 53-6371; Filed, Aug. 5, 1953;
8:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10272, 10273, 10299]

BRUSH-MOORE NEWSPAPERS, INC., ET AL.
ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCF-264; Stark Telecasting Corporation, Canton,

Ohio, Docket No. 10273, File No. BPC-T-949; Tri-Cities Telecasting, Inc., Canton, Ohio, Docket No. 10606, File No. BPC-T-1738; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of July 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 29 in Canton, Ohio; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that on July 11, 1952, the Commission adopted an order (FCC 52-696) designating the above-entitled applications of The Brush-Moore Newspapers, Inc., and Stark Telecasting Corporation (formerly Stark Broadcasting Corporation) for hearing in a consolidated proceeding upon specified issues; and that on June 25, 1953, this hearing was ordered to commence on August 6, 1953, in Washington, D. C., and

It further appearing, that on July 6, 1953, the above-entitled application of Tri-Cities Telecasting, Inc., was filed; and that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, Tri-Cities Telecasting, Inc., was advised by a letter dated July 16, 1953, that its application was mutually exclusive with the other two above-entitled applications, that a hearing would be necessary, that certain questions were raised as a result of deficiencies of a financial nature in its application, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled application of Tri-Cities Telecasting, Inc., the amendments thereto, and the reply to the above letter filed by Tri-Cities Telecasting, Inc., the Commission finds that, under section 309 (b) of the Communications Act of 1934, as amended, and § 1.387 of the Commission's rules, the above-entitled application of Tri-Cities Telecasting, Inc., must be designated for hearing in the same consolidated proceeding as the other two above-entitled applications; and that Tri-Cities Telecasting, Inc., is legally and financially qualified to construct, own and operate a television broadcast station, and is technically so qualified except as to the matter referred to in issue "3" below.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on August 6, 1953, in Washington, D. C., upon the following issues, which supersede the issues set forth in the Commission's order (FCC 52-696) of July 11, 1952:

1. To determine the legal, technical, financial and other qualifications of The

Brush-Moore Newspapers, Inc., and Stark Telecasting Corporation to construct, own and operate the proposed television broadcast stations.

2. To determine whether the construction and operation of the stations proposed in the above-entitled applications of The Brush-Moore Newspapers, Inc., and Stark Telecasting Corporation would be in compliance with the Commission's rules and regulations governing television broadcast stations.

3. To determine whether the installation of either of the stations proposed by Stark Telecasting Corporation and Tri-Cities Telecasting, Inc., in their above-entitled applications would constitute a hazard to air navigation.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: July 31, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6886; Filed, Aug. 5, 1953;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1158, G-1508, G-2019,
G-2074, G-2210, G-2220]

WILLMUT GAS & OIL CO. ET AL.

ORDER ACCEPTING RATE SCHEDULES, SUSPENDING PROPOSED RATE SCHEDULES, CONSOLIDATING PROCEEDINGS, AND PROVIDING FOR HEARING

Willmut Gas & Oil Company, et al. v. United Gas Pipe Line Company, Docket No. G-1158; in the matters of United Gas Pipe Line Company, Dockets Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220.

By its order issued June 1, 1953, at Docket No. G-1158, accompanying Opinion No. 252, the Commission ordered United Gas Pipe Line Company (United) to restore and re-establish certain natural-gas transmission pipe-line facilities, subject to the jurisdiction of the Commission, which had been previously severed, dismantled, and removed by United without first having secured the requisite permission of the Commission under section 7 (b) of the Natural Gas Act, and to resume the interstate service which had been rendered to Willmut Gas & Oil Company (Willmut) prior to February 6, 1947, all as more fully described in the June 1 order and accompanying opinion.

In addition, the Commission found and determined that United was unlawfully discriminating against Willmut in violation of the provisions of the Natural Gas Act by failing to make natural gas available to Willmut at the same rates or charges voluntarily established and made available to Mississippi Valley Gas Company (MVG) and its predecessor, Mississippi Power & Light Company.

To eliminate such unlawful discrimination, the Commission ordered United within 30 days after the issuance of the June 1 order to "file rate schedules available for all sales by United to Willmut," containing "satisfactory rates and charges based on the rates and charges contained in United's Rate Schedule FPC No. 95, as supplemented, which became effective on July 26, 1947," for the sales of natural gas to the predecessor of MVG.¹

In response to the requirements of the June 1 order at Docket No. G-1158, relating to domestic gas sales and subject to certain reservations, including its application for rehearing and motion for a stay of the June 1 order, United, on June 29, 1953, tendered for filing Original Sheets Nos. 11-A, 11-B, and 28-A to its FPC Gas Tariff, Original Volume No. 1, constituting Rate Schedules DG-4J and G-45, and requested that such tariff sheets be permitted to become effective as of August 1, 1953, or approximately 30 days after filing.

United asserted that the proposed tariff sheets would place in effect for all domestic gas sales made to Willmut the same rate schedules which are being charge MVG.

With respect to the level of the rate and the general terms and conditions of the proposed rate schedules, United has complied with the requirements of the June 1 order so far as domestic sales of gas are concerned. However, its request that the tendered filings be permitted to become effective as of August 1, 1953, or approximately 30 days after filing, is not in compliance with the order which contemplates elimination of discrimination in a maximum of 30 days after the issuance of the June 1 order.

Section 4 (b) of the Natural Gas Act forbids a natural-gas company from maintaining "any unreasonable difference in rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service," and no reason appears why the unreasonable difference in rates, already too-long continued, should be sanctioned for a longer period of time.

Moreover, by affidavit filed at Docket No. G-1158 on July 2, 1953, United states that on June 30, 1953, it resumed the

¹ In referring to Rate Schedule FPC No. 95, the Commission took official notice that such rate schedule has been superseded by Rate Schedules DG-3J, G-3J, IND-1J, and IND-2J, which are set forth in United's FPC Gas Tariff, Original Volume No. 1, which rate schedules, among others, were permitted to become effective as of August 3, 1952. Official notice was also taken that the contract, which was Rate Schedule FPC No. 95, has been retained as a service agreement under the tariff, pursuant to applicable provisions of the Commission's regulations under the Natural Gas Act.

full operation of the facilities by which interstate service is rendered to Willmut in accordance with the provisions of the June 1 order.

It appears from such affidavit that United has restored and re-established the facilities described in the June 1 order and has resumed interstate natural-gas service to Willmut. It would be anomalous to permit rate schedules for such service to become effective a month after the service resumed. Accordingly, the rate schedules will be accepted for filing in compliance with the requirements of the June 1 order so far as domestic sales of gas are concerned, to be effective, however, as of June 30, 1953.

Although required by the June 1 order to file rate schedules available for all sales made to Willmut, United did not file any tariff sheet covering the sale of natural gas to Willmut for resale for industrial use only. Thus, United, in this respect, has not fully complied with the requirements of the June 1 order. However, in its letter transmitting its filing of June 29 in purported compliance with the June 1 order, United refers to a June 24 filing (hereinafter described) and states " * * * United filed with the Commission its Rate Schedule IND-J, which by its terms is also applicable to the sale to Willmut for resale to Hercules Powder Company in the event such sale is subject to the rate jurisdiction of the Commission. United intends to apply such Rate Schedule IND-J to such sales, effective as of August 1, 1953, the same effective date as the rate schedules tendered herein." Such tariff Rate Schedule IND-J became effective as of July 25, 1953. It would be unduly discriminatory to Willmut if such IND-J tariff rate schedule were not made applicable to Willmut on the same date as for United's other customers in the same area.

United should make its uniform area tariff Rate Schedule IND-J for the sale of gas for resale for industrial use only applicable to its sale of such gas to Willmut effective as of July 25, 1953, and, upon advice to the Commission that United has done so, United will be deemed to have complied with the June 1 order in respect of industrial sales to Willmut.

On June 24, 1953, United tendered for filing certain revised sheets to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges for certain town-border sales which it deems subject to the jurisdiction of the Commission, including sales to MVG. By order issued July 10, 1953, at Docket No. G-2210, the Commission suspended and deferred the use of the tariff sheets until December 25, 1953, except for the tariff sheets covering sales of natural gas for resale for industrial use only which were permitted to become effective as of July 25, 1953, pending the hearing and decision thereon, and consolidated Docket No. G-2210 with the consolidated proceedings at Dockets Nos. G-1142, G-1503, G-2019, and G-2074.

On June 30, 1953, United tendered for filing First Revised Sheets Nos. 11-A and 28-A to its FPC Gas Tariff, Original Volume No. 1, constituting cancellations of Rate Schedule DG-4J and Rate

Schedule G-4J, respectively, and requested that the proposed cancellations be made effective as of August 1, 1953. By First Revised Sheets Nos. 11-A and 28-A, United proposes to cancel the rate schedule filings made on June 29, 1953, purportedly in compliance with the June 1 order at Docket No. G-1153.

It is plain from the "Statement of the Nature, Basis and Reasons for Change" accompanying First Revised Sheets Nos. 11-A and 28-A, and the inclusion of the tendered filings of June 24, 1953, together with the supporting data, by reference, that the purpose of the cancellations is to eliminate the rate made available to Willmut by the compliance filings of June 29, 1953, at Docket No. G-1153, and to make applicable to such customer the increased rates and charges set forth in Rate Schedules DG-J and G-J and which have heretofore been suspended at Docket No. G-2210. United states that the elimination of the compliance rate will result in an increase in rates and charges to Willmut. It appears that such increase will be approximately \$100,000 per year based on 1952 sales.

A number of objections to such proposed cancellations have been filed by Willmut.

Inasmuch as the Commission by its order issued July 10, 1953, at Docket No. G-2210, suspended Rate Schedules DG-J and G-J, because the increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon the ultimate consumers of natural gas, it appears necessary for the Commission to also suspend First Revised Sheets Nos. 11-A and 28-A. Additionally, acceptance of such sheets, would appear to leave no rate schedules on file with the Commission which would be applicable to domestic gas sales by United to Willmut.

The rates and charges proposed to be increased by United by means of the proposed cancellations are among the rates and charges which are the subject of the consolidated proceedings in the Matters of United Gas Pipe Line Company, Dockets Nos. G-1142, G-1503, G-2019, G-2074, and G-2210. These proceedings are now in recess until further order of the Commission. Since United by the proposed cancellations seek to make applicable to Willmut rates and charges under suspension in the above-consolidated proceedings, it appears appropriate and desirable to consolidate the proposed cancellations filed on June 30, 1953, with the proceedings in the consolidated Dockets Nos. G-1142, G-1503, G-2019, G-2074, and G-2210 so that the common issues raised by these various proceedings may be heard together.

The Commission finds:

(1) Original Sheets Nos. 11-A, 11-B, and 28-A tendered for filing by United on June 29, 1953, in response to the requirements of the initial decision of the Presiding Examiner, as modified by the order issued June 1, 1953, at Docket No. G-1153, accompanying Opinion No. 252, effective as of June 30, 1953, are in compliance with such requirements so far as

domestic gas sales are concerned and should be accepted for filing as herein-after ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act and good cause exists for the Commission to enter upon a hearing at such time as the consolidated proceedings at Dockets Nos. G-1142, G-1503, G-2019, G-2074, and G-2210 are reconvened, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of United's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 11-A and 28-A, and that said proposed sheets be suspended as herein-after provided and the use thereof deferred pending hearing and decision thereon.

(3) Good cause exists for further consolidating the proceeding involving the proposed cancellations as set forth in First Revised Sheets Nos. 11-A and 28-A with the consolidated proceedings at Dockets Nos. G-1142, G-1503, G-2019, G-2074, and G-2210.

(4) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct these proceedings with reasonable dispatch.

The Commission orders:

(A) United Gas Pipe Line Company's Original Sheets Nos. 11-A, 11-B, and 28-A to its FPC Gas Tariff, Original Volume No. 1, tendered for filing on June 29, 1953, be and the same are hereby made effective as of June 30, 1953, and effective as of that date are accepted as satisfactory and in compliance so far as domestic gas sales are concerned with the requirements of the initial decision of the Presiding Examiner, as modified by the order issued June 1, 1953, at Docket No. G-1153, accompanying Opinion No. 252.

(B) The request of United Gas Pipe Line Company that the aforesaid Original Sheets Nos. 11-A, 11-B, and 28-A, be permitted to become effective as of August 1, 1953, or approximately 30 days after filing, be and it is hereby denied.

(C) The proceeding at Docket No. G-2220, involving United Gas Pipe Line Company's First Revised Sheets Nos. 11-A and 28-A, and the proceedings at Dockets Nos. G-1142, G-1503, G-2019, G-2074, and G-2210 be and they hereby are consolidated for purpose of hearing and the hearings in the consolidated proceedings shall also concern the lawfulness of the proposed cancellations, as set forth in United Gas Pipe Line Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by proposed First Revised Sheets Nos. 11-A and 28-A.

(D) Pending such hearing and decision thereon, United Gas Pipe Line Company's First Revised Sheets Nos. 11-A and 28-A to its FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until January 1, 1954, unless otherwise ordered by the Commission, and until such further time thereafter

as said proposed revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(E) At the hearing United shall go forward first and complete its case-in-chief with respect to its FPC Gas Tariff, as amended by First Revised Sheets Nos. 11-A and 28-A, before cross-examination is undertaken of United's presentations in the consolidated proceedings.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: July 29, 1953.

Issued: July 31, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6854; Filed, Aug. 5, 1953;
8:46 a. m.]

[Docket No. G-2069]

PHILADELPHIA ELECTRIC Co.

NOTICE OF APPLICATION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 31, 1953.

Take notice that the Philadelphia Electric Company (Applicant) a Pennsylvania corporation having its principal place of business in Philadelphia, Pennsylvania, filed on July 10, 1953, an application for amendment of a certificate of public convenience and necessity issued on November 21, 1952, in the above-entitled matter.

Paragraph (C) (4) of the order issued November 21, 1952, provides that the facilities thereby authorized shall be used only for the transportation and delivery of natural gas "not in excess of 1,455 Mcf per day" on an interruptible basis to G. and W. H. Corson, Inc. Applicant requests that the foregoing paragraph be amended so as to authorize the utilization of the facilities for the delivery of 2,000 Mcf per day in lieu of the present authorized delivery of 1,455 Mcf per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of August 1953.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6853; Filed, Aug. 5, 1953;
8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

DIRECTOR OF THE UNITED STATES
INFORMATION AGENCY

DELEGATION OF AUTHORITY TO NEGOTIATE
CERTAIN CONTRACTS AND PURCHASES

1. Pursuant to the authority vested in me by the Federal Property and Admin-

istrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Director of the United States Information Agency to negotiate, without advertising, contracts and purchases for supplies and services pursuant to the provisions of Title III of the act, for the following:

- (a) Stenographic reporting services;
- (b) Translating services;
- (c) Analysis and tabulation of technical information;
- (d) Maintenance, improvement, and repair of diplomatic and consular properties in foreign countries, including minor construction on Government-owned properties;
- (e) Maintenance and operation of commissary and mess services;
- (f) Fuel and utilities for Government-owned or leased property abroad;
- (g) Rental or lease, for periods not exceeding ten years, of offices, buildings, grounds, and living quarters for the use of the Foreign Service;
- (h) Electrical appliances, motor driven equipment (other than motor vehicles), and household furniture and furnishings not otherwise provided for, for use abroad;
- (i) Household equipment to be loaned pursuant to law.

(j) International Information and Educational Activities—radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration and script-writing, by contract or otherwise, acquisition of printed materials, purchase of objects for presentation to foreign governments, schools, or organizations, and information and educational activities outside the continental United States;

(k) Supplies or services which are to be procured and used outside the limits of the United States and its Possessions.

2. This authority shall be exercised in accordance with applicable limitations in the act, including section 307 requiring written findings, preservation of data relating to negotiation, and reports to the General Accounting Office, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

3. If contracts or purchases are negotiated pursuant to section 302 (c) (10) of the act, information with respect thereto shall be submitted to the General Services Administration as provided in Regulations of the General Services Administration, Title 1, Chapter II, section 212, for inclusion in the General Services Administration report to Congress.

4. Subject to the limitations in section 307 (b) of the act, the Director is hereby authorized to redelegate the authority contained herein to any officer, official, or employee of the United States Information Agency.

5. This delegation of authority shall be effective as of the date hereof.

Dated: July 31, 1953.

RUSSELL FORBES,
Acting Administrator

[F. R. Doc. 53-6944; Filed, Aug. 4, 1953;
4:58 p. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ATTESTING OFFICERS

DELEGATION OF AUTHORITY WITH RESPECT
TO CERTAIN DOCUMENTS

Section III, *Field organization and final delegations of authority*, is amended as follows:

Paragraph c is amended to read as follows:

c. *Attesting officers.* The Chief of the Office Services Section and the Document Control Clerk are hereby designated Attesting Officer and Alternate Attesting Officer, respectively, in respect to all documents other than those by means of which the Public Housing Administration divests itself of interest in real property. In respect to the last named type of document, the Chief of the Appraisal Section and the Land Records Clerk are hereby designated Attesting Officer and Alternate Attesting Officer, respectively. The Attesting Officer shall affix the official seal to such documents as may require its application and is authorized to certify that copies of documents, leases, contracts, and other papers, duly approved, are identical with the originals. The Alternate Attesting Officers shall have the same duties, functions, and authority vested in the Attesting Officer.

Date approved: July 31, 1953.

CHARLES E. SLUSSER,
Commissioner

[F. R. Doc. 53-6855; Filed, Aug. 5, 1953;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28317]

WOODEN HANDLE MATERIAL FROM COLUMBUS, IND., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Handle material, wooden, without metal attachments, carloads.

From: Columbus, Ind.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, ICC No. 4367, suppl. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice

of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6363; Filed, Aug. 5, 1953;
8:47 a. m.]

[4th Sec. Application 28318]

FOREIGN WOODS FROM GULF PORTS TO
NORWOOD, N. C.

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, logs, flitches or piling of foreign woods, built-up woods, veneer, dimension stock and carpenter's moulding, carloads.

From: Mobile, Ala., Pensacola, Fla., Gulfport, Laurel, Moss Point, Pascagoula, Miss., and New Orleans, La.

To: Norwood, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1356, suppl. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6864; Filed, Aug. 5, 1953;
8:48 a. m.]

[4th Sec. Application 28319]

CANNED GOODS FROM NORFOLK AND NEWPORT NEWS, VA., TO CHATTANOOGA AND KNOXVILLE, TENN.

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Canned goods, carloads.

From: Norfolk and Newport News, Va. (import traffic)

To: Chattanooga and Knoxville, Tenn. Grounds for relief: Competition with rail carriers, circuitous routes, to maintain port rate relations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1369, suppl. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6865; Filed, Aug. 5, 1953;
8:48 a. m.]

[4th Sec. Application 28320]

MIXED FEED FROM FLORIDA TO POINTS IN GEORGIA AND PINETTA, FLA.

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Feed, animal or poultry, carloads and less-than-carloads.

From: Points in Florida.

To: Keyville, Gracewood, Uvalda, and Nashville, Ga., and Pinetta, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1308, suppl. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6863; Filed, Aug. 5, 1953;
8:43 a. m.]

[4th Sec. Application 28321]

BILLETS, SLABS, BARS AND RELATED ARTICLES FROM OHIO, PENNSYLVANIA, NEW YORK, AND MARYLAND TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt and C. W. Boin, Agents, for carriers parties to schedules listed below.

Commodities involved: Billets, blooms, or ingots, and slabs in the rough, also bars, sheet, iron or steel, carloads.

From: Specified points in Ohio, Pennsylvania, New York, and Maryland.

To: Birmingham, Ala., and points grouped therewith, Gaird, Gadsden, Holt, and Hunter, Ala., Cordele and West Point, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, tariff I. C. C. No. 4510, supp. 23; C. W. Boin, Agent, tariff I. C. C. No. A-968, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because

of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6867; Filed, Aug. 5, 1953;
8:48 a. m.]

[4th Sec. Application 28322]

BLACKSTRAP MOLASSES FROM LOUISIANA TO
TEXAS

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Blackstrap molasses, in tank-car loads.

From: Points in Louisiana.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 4024, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6868; Filed, Aug. 5, 1953;
8:48 a. m.]

[4th Sec. Application 28323]

LARD AND RELATED ARTICLES FROM GARLAND, TEX., TO KANSAS, OKLAHOMA, AND JOPLIN, MO.

APPLICATION FOR RELIEF

AUGUST 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lard, lard compounds and substitutes; oils, cooking or salad; and vegetable oil shortening, car-loads.

From: Garland, Texas.

To: Points in Kansas and Oklahoma, also Joplin, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 4036, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6869; Filed, Aug. 5, 1953;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-164] -

INTERNATIONAL HYDRO-ELECTRIC SYSTEM
NOTICE OF FILING OF APPLICATION FOR INTERIM COMPENSATION, AND ORDER FOR HEARING THEREON

JULY 31, 1953.

Notice is hereby given that Bartholomew A. Brickley and Oliver R. Waite, partners in the law firm of Brickley, Sears & Cole, Boston, Massachusetts, have filed with this Commission a joint application pursuant to sections 11 (d) and 11 (f) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-63 thereunder for approval of \$220,000 as the maximum net amount for which they may apply to the United States District Court for the District of Massachusetts ("the Court") as interim compensation for their legal services rendered prior to May 1, 1953, as counsel to the said Bartholomew A. Brickley as Trustee of International Hydro-Electric System ("IHES") a registered holding company.

Reference is made to the application for a detailed statement of the legal services rendered, which include services in reorganizing and financing the subsidiaries of IHES and in formulating and presenting plans for its liquidation. Applicants state that they have excluded from the statement the services of the said Brickley as Trustee and his legal services in prosecuting claims against International Paper Company, for

which compensation has previously been granted. They estimate their total working time for which compensation is herein sought at 10,500 hours, including 6,000 hours of Brickley and 4,500 hours of Waite.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, to receive evidence on the question whether the compensation requested is reasonable as the maximum amount which may be paid for their said legal services, and to afford to all interested persons an opportunity to be heard with respect thereto:

It is ordered, That a hearing be held on said application on August 18, 1953, at 10 o'clock a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 193.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given by registered mail to the applicants Bartholomew A. Brickley and Oliver R. Waite and to all persons previously granted participation in these proceedings or to their attorneys of record; and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That any interested person who has not already entered his appearance herein and who desires to be heard or otherwise to participate at said hearing shall notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice, not later than two days prior to such hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-6856; Filed, Aug. 5, 1953;
8:47 a. m.]

[File No. 59-101]

KINZUA OIL & GAS CORP. ET AL.

ORDER DISMISSING PROCEEDINGS

JULY 31, 1953.

In the matter of Kinzua Oil & Gas Corporation, Intercoast Utilities Incorporated, Northwestern Pennsylvania Gas Corporation and its subsidiaries, Frances R. Dewing, Mary S. Morain, Ruth R. Ewing, Abigail S. Avery, Arthur S. Dewing, Fred W. Young, respondents; File No. 59-101.

The Commission having on May 22, 1953, instituted proceedings under sections 2 (a) (7) 4 (a) 9 (a) (2) 11 (b) (2) 12 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 ("act") with respect to Kinzua Oil & Gas Corporation ("Kinzua") a registered holding company, Intercoast Utilities Incorporated ("Intercoast") a registered holding company, Northwestern Pennsylvania Gas Corporation ("Northwestern") a registered holding company, and the latter's subsidiaries, Frances R. Dewing, Mary S. Morain, Ruth R. Ewing, Abigail S. Avery, Arthur S. Dewing and Fred W. Young; and

It now appearing to the Commission that on May 22, 1953, Kinzua filed a statement under Rule U-9 of the general rules and regulations promulgated under the act claiming an exemption from all the provisions of the act; and

The Commission having reserved jurisdiction in its order of May 22, 1953, inter alia, to separate for disposition in whole or in part any of the issues or questions which may arise in said proceedings; and

It further appearing to the Commission that it is appropriate that the proceedings instituted under section 11 (b) (2) of the act with respect to Kinzua, Intercoast and Northwestern and the latter's subsidiaries be dismissed, without prejudice, however, to the right of the Commission to reinstate such proceedings at such time as it may deem such action necessary in the public interest or the interest of investors or consumers:

It is ordered, That the proceedings heretofore instituted under section 11 (b) (2) of the act with respect to Kinzua, Intercoast and Northwestern and the latter's subsidiaries be, and the same hereby are, dismissed, without prejudice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6858; Filed, Aug. 5, 1953; 8:47 a. m.]

[File No. 70-3103]

MICHIGAN CONSOLIDATED GAS Co.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE OF PROMISSORY NOTES

JULY 31, 1953.

Michigan Consolidated Gas Company ("Michigan") a public utility subsidiary company of American Natural Gas Company, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with this Commission with respect to a proposed transaction which is summarized below:

Michigan proposes, pursuant to a Credit Agreement, to issue from time to time subsequent to July 31, 1953, but not later than January 20, 1954, its promissory notes in the aggregate maximum principal amount of \$20,000,000, to mature July 30, 1954, and to bear interest at the rate of 3½ percent per annum. Said notes will be issued to the follow-

ing banks in the following maximum amounts:

Name of bank:	Amount of commitment
The National City Bank of New York.....	\$4,300,000
The Hanover Bank, New York.....	4,300,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.....	4,300,000
National Bank of Detroit.....	4,300,000
The Detroit Bank.....	1,250,000
The Manufacturers National Bank of Detroit.....	1,250,000
Old Kent Bank, Grand Rapids, Mich.....	300,000
	<hr/> 20,000,000

Michigan will have the right to prepay from time to time without penalty, in amounts of \$2,500,000 or multiples thereof, notes issued pursuant to the Credit Agreement, except that a prepayment penalty of ¼ of 1 percent per annum for the unexpired term of notes prepaid will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the Credit Agreement. Said Credit Agreement will further provide that Michigan will pay a commitment fee of ½ of 1 percent per annum on the average daily unused balance of the commitment, from the date of the Credit Agreement to January 20, 1954, or until the entire \$20,000,000 shall have been taken down, whichever is earlier. Michigan may reduce the amount of the commitment from time to time without penalty.

The proceeds of said notes will be used to pay its notes presently authorized and estimated to be outstanding in the approximate amount of \$7,400,000 on July 31, 1953, and for construction. The declaration states that Michigan proposes to consummate a permanent financing program in connection with which the notes issued under the Credit Agreement will be retired.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Fees and expenses are estimated at \$2,000, including counsel fees at \$1,000.

Due notice having been given of the filing of the declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith, without the imposition of terms and conditions other than those prescribed in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be and become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6857; Filed, Aug. 5, 1953; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

TORBEN MÖHL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Torben Möhl, Copenhagen, Denmark, Claim No. 35637; property described in Vesting Order No. 230 (7 F. R. 8333, November 26, 1942) relating to Patent Application Serial Number 353,675 (now United States Letters Patent No. 2,471,164).

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-6373; Filed, Aug. 5, 1953; 8:49 a. m.]

ROSARIO AND ROSARIA PRISINZANO MARZULLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosario Marzullo, a/k/a George Mazula, and Rosaria Prinzano Marzullo, Via Turrisi #6, Castelbuono, Palermo, Italy, Claim No. 42412; \$14,530.30 in the Treasury of the United States, one-half thereof to each claimant.

A parcel of land in the City of Memphis, Tennessee, known as 161-163 North Main Street, conveyed by James Gillen and Mary R. Gillen, his wife, to Giuseppe Marzullo (o) and Rosaria Marzullo (o) on August 23, 1914 by a general warranty deed executed on the above date and recorded on August 23, 1914 in the Office of the Register of Shelby County, Tennessee, in Record Book No. 693, Page 63; an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-6374; Filed, Aug. 5, 1953; 8:49 a. m.]

YURIKO OGAWA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yuriko Ogawa, 559 Mori Motoyama-cho, Higashinada-ku, Kobe, Japan, Claim No. 36404; \$277.49 in the Treasury of the United States.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6875; Filed, Aug. 5, 1953; 8:49 a. m.]

SOCIETE INDUSTRIELLE GENERALE DE MECANIQUE APPLIQUEE S. I. G. M. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Industrielle Generale de Mecanique Appliquee S. I. G. M. A., Paris, France, Claim No. 41396; property described in Vesting Order No. 1187 (8 F. R. 7036, May 27, 1943), relating to United States Patent Application Serial No. 433,808 (now United States Letters Patent No. 2,386,257) and United States Patent Application Serial No. 612,966 (now United States Letters Patent No. 2,460,849), a division of Patent Application Serial No. 433,808.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6876; Filed, Aug. 5, 1953; 8:50 a. m.]

KAARE OMSTED

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Kaare Omsted, Oslo, Norway, Claim No. 40016; property described in Vesting Order No. 672 (8 F. R. 5020) relating to United States Patent Numbers 1,987,414 and 2,082,460.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6877; Filed, Aug. 5, 1953; 8:50 a. m.]

JOHAN FREDRIK SELMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Johan Fredrik Selmer, Oslo, Norway, Claim No. 41729; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 2,279,597.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6878; Filed, Aug. 5, 1953; 8:50 a. m.]

RUDY EIS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rudy Eis, Milwaukee, Wisconsin; Sy Visko, Opelika, Alabama; Dorothea Viskoper, The Hague, Netherlands; Sophie van Tijn-Eis, Amsterdam, Netherlands; Claims Nos. 41700, 42796, 45971, 57050; the following undivided portions of all right, title, interest and claim of any kind or character whatsoever of Dina Eis and her legitimate descendants in and to the Trust created by the Will of Henrietta Friend, also known as Henriette Friend, deceased: $\frac{1}{4}$ each to Rudy Eis and Sophie van Tijn-Eis and $\frac{1}{8}$ each to Sy Visko and Dorothea Viskoper. The property is in the process of administration by First Wisconsin Trust Company, Milwaukee, Wisconsin, Trustee, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6879; Filed, Aug. 5, 1953; 8:50 a. m.]

MRS. MARIE CLEMENT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mrs. Marie Clement, Ivry (Seine) Franco, Claim No. 41640; property described in Vesting Order No. 668 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,055,271.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6880; Filed, Aug. 5, 1953; 8:50 a. m.]

MRS. GIOVANNA LICARI LUZI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or de-

crease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Giovanna Licari Luzi, Cannaregio 4313, Venice, Italy, Claim No. 35695, Vesting Order No. 649; all right, title, interest and

claim of any kind or character whatsoever of Giovanna Licari Luzi in and to a trust created under the will of Era E. McMurtrie, deceased, and in and to the estate of Era E. McMurtrie, deceased; Trustee, International Trust Company, Denver, Colorado, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado. \$297.67 in the Treasury of the United States.

Executed at Washington, D. C., on July 29, 1953.

For the Attorney General.

[SEAL] JULIUS SCHLEZINGER,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 53-6281; Filed, Aug. 5, 1953;
8:59 a. m.]

